

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claims 1 and 10; claims 9 and 11 have been canceled. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-8, 10, 12-15 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 102(e)**

Claims 1-2, and 6-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Harris, *et al.* (US 2006/0223568). In order to expedite allowance of this application, the Applicant has canceled claims 9 and 11 without prejudice. The Applicant has also amended independent Claims 1 and 10 to more clearly and distinctly claim the subject matter which the Applicant considers as his invention. The Examiner's favorable reconsideration is earnestly requested.

The Examiner rejected independent Claim 1 under § 102(e) as being anticipated by Harris. The Applicant respectfully traverses the rejection and submits to the Examiner that Harris attempts to solve a similar problem using a mobile-eccentric solution. The present invention, on the other hand, provides novel and non-obvious invention for solving a similar problem with a server-eccentric solution.

More specifically, the present invention discloses and claims that:

upon receipt of the session invitation at a push-to-talk server serving the called party, determining at said push-to-talk server that said manual answer mode request is included in said push-to-talk session invitation and forwarding the session invitation including the manual answer mode request to the called party regardless of any auto-answer mode setting for the called party stored within said server;

The applicant respectfully submits that other than showing two mobile stations directly communicating with each other and the RAN (110, 114) and NW (112) merely acting as a communication network, nothing in Harris discloses or teaches the claimed

“push-to-server” which first determines that the received push-to-talk session invitation from a calling party includes the “manual answer mode request” and if such is the case, forwarding the session invitation to the called party regardless of any auto-auto mode setting for the called party. For example, Fig 4 and Fig 5 of Harris cited by the Examiner merely show an originating mobile station communicating directly with a target mobile station without any showing of a push-to-talk server performing the currently recited steps of “determining at said push-to-talk server that said manual answer mode request is included in said push-to-talk session invitation and forwarding the session invitation including the manual answer mode request to the called party regardless of any auto-answer mode setting for the called party stored within said server.”

As further described in the present application, in the current PoC standards, “it is possible for a user (User B) to register with his local PoC server, a “white” list of other user identities (User A) for which the user wishes to apply the auto-answer mode. In the event a PoC session is requested by one of the users on the white list, the server would then automatically apply the auto-answer mode to User B. Accordingly, while the PoC server maintains and controls such “white list”, even with the Harris invention, the PoC server would still forward the “auto-mode” flag in the SIP INVITE message to the target mobile station. Accordingly, in order to override the “white list” or the “auto-answer mode setting” for the called party, in accordance with the teachings of the present invention, the push-to-talk server would have to determine that such a manual request is included in the received push-to-talk session invitation and then forward the session invitation with the manual answer mode regardless of any auto-answer mode setting for the called party as stored within that server.

Since Harris fails to disclose or teach the recited steps performed by the claimed push-to-talk server, the Applicant respectfully submits that independent Claim 1 and its dependent claims are patentable over the cited reference.

Independent Claim 10 was likewise rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by Harris. For similar reasons as stated above, the Applicant further submits that Harris fails to anticipate or render obvious currently

pending independent Claim 10. More specifically, Smith again fails to disclose or teach the step of a push-to-talk server:

receiving a push-to-talk invitation from a calling client terminal, the invitation including a manual answer mode request requesting a called party to answer in said manual answer mode,

forwarding an incoming session request including the manual answer mode request from said push-to-talk server to a specified called client terminal regardless of any auto-answer mode setting for the called client terminal.

Furthermore, nothing in Harris teaches the last recited step of

Awaiting receipt of an answer message from the called client terminal in response to said called client terminal alerted of said incoming session request before proceeding with session establishment.

Since Harris fails to anticipate or render obvious each and every element of independent Claim 10, Claim 10 is now also in condition for allowance.

Lastly, independent Claim 12 was also rejected under Harris. Again, nothing in Harris discloses or teaches the claimed "push-to-talk server". Instead, it only discloses two mobile station terminals communicating with each other directly to communicate calling party's answering mode. Furthermore, nothing in Harris discloses or teaches

a processor programmed to determine whether or not said received invitation includes said manual answer mode request and, if so and if an automatic answer mode has been set for the second wireless mobile terminal, overriding the automatic mode setting and forwarding the invitation to the second wireless terminal including the manual answer mode request via said output.

Accordingly, Harris again fails to anticipate or render obvious independent Claim 12 and its dependent claims.

### **3.) Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 3-5 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Harris, *et al.* (US 2006/0223568) in view of Black (US 2004/0057449). Claims 3-5 and 15 depend from amended claims 1 and 10, respectively and recite further limitations in combination thereof. Therefore, the allowance of claims is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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